REMARKS

Claim Changes

Claims 1 and 16 are amended to recite "allocating at the link transmitter the plurality of data credits to a plurality of logical channels" These changes are based at least on the description on page 6, line 29 to page 7, lines 17 of the specification as filed. Thus, no new matter is added.

Claim 9 is amended to more clearly recite the claimed invention and that the "receiver buffers . . . receive a packet from a link transmitter . . . after the link transmitter allocates a plurality of data credits to a plurality of logical channels." Support for the changes can be found on page 6, line 29 to page 7, line 17. Thus, no new matter is added.

Claims 5, 12, and 20 are amended to clarify and simplify the language in light of currently amended claims 1, 9, and 16 respectively.

Claim 2 is amended to clarify and simplify the language.

Claims 6, 13, and 21 have been cancelled without prejudice or disclaimer.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Voluntary Amendment to the Specification

Applicant has voluntarily amended the specification to add application numbers of related cases for the purpose of clarification. No new matter is added with this amendment.

Objection to the Specification

The Office Action dated May 17, 2007 states on page 2 that "[C]laim 16 recites the limitation 'computer readable medium'.... There is insufficient antecedent basis for this limitation in specification." In response to the objection, Applicant respectfully submits that the specification provides support to claim 16. Particularly, page 4, lines 7-15 of the specification describe "[S]witch fabric network 100 can include both module-to-module (for example computer systems that support I/O module add-in slots) and chassis-to-chassis environments (for example interconnecting computers, external storage systems, external Local Area Network (LAN) and Wide Area Network (WAN) access devices in a data-center environment)." Thus, contrary to the statement in the Office Action the specification provides sufficient antecedent basis for the limitation "computer readable medium" recited in claim 16. Accordingly, the objection to the specification is believed to be moot.

Objection to the Claims

In response to the objection to claims 1-8, and 16-23 for informalities, Applicant has reworded claims 1 and 16 for clarity, as suggested in the Office Action. Accordingly, the objection is believed to be moot. Applicant respectfully requests the objection be withdrawn.

Dependent claims 2-5, 7-8, 17-20, and 22-23 depend on claims 1 and 16 and claims 6 and 21 have been cancelled. Thus, the objection to the dependent claims 2-5, 7-8, 17-20, and 22-23 is also believed to be moot. Accordingly, Applicant respectfully requests the objection be withdrawn.

Provisional Rejection under Obvious Type-Double Patenting

Claims 1-8 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5-8 of copending application no. 10/671204 in view of copending Application No. 10/671,128. In addition, claims 9-12, 14-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 17, 19 and 21-26 of copending Application No. 10/671,204 in view of copending Application 10/671,128. Applicant notes these provisional rejections are just that, provisional, and will respond when and if the rejections are finalized.

Rejection of claims 23-30 under 35 U.S.C. §101

Claim 16-23 are rejected under 35 U.S.C. § 101. Claim 16 has been amended to recite "[A] computer-readable medium encoded with computer executable instructions" The amendments are believed to be within the spirit of the amendments suggested by the Office Action and consistent with conventional computer readable medium claim language. Accordingly, the rejection is believed to be moot. Accordingly, Applicant respectfully requests the rejection of independent claim 16 under 35 U.S.C. § 101 be withdrawn.

Claims 17-23 depend from, and include all the limitations of independent claim 16. Therefore, Applicant respectfully requests reconsideration of dependent claims 17-23 and requests the withdrawal of the rejection.

Rejection of Claims 1-3, 7-10, and 14-23 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-3, 7-10, 14-20, and 22-23 under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Florin as herein amended.

The Office Action on page 13 states "[A]s to claim 1, Bloch shows a method, comprising: a link receiver providing a plurality of data credits to a link transmitter (col. 7, lines 18-21; shows that the receiver updates the available credits and when possible, provides additional credits to the transmitter.) the link transmitter transmitting a plurality of packet to the link receiver on an ingress link. . .." Also, the Office Action on page 17 states "[A]s to claim 16, Bloch shows a computer-readable medium containing computer readable instructions (col. 5, lines 2-4 shows that entity 27 also comprises a network host.), for instructing a processor"

Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest all the claim limitations as set forth in independent claims 1 and 16, as amended. Specifically, independent claims 1 and 16 recite "allocating at the link transmitter the plurality of data credits to a plurality of logical channels" which is not taught or suggested in the combination of Bloch and Florin.

Bloch is directed to a method for link-level flow control wherein maximum limits of transmission credits are assigned to the logical links by the receiving entity. See Bloch, abstract.

Also, col. 4, line 16-22 of Bloch describes "the receiver being adapted, responsive to traffic from the transmitting entity to the receiving entity on a given one of the logical links, to allocate one or more of the credits to the given logical link when the receiver determines that a total of the credits allocated to the given logical link is no greater than the respective maximum limit" Thus, in Bloch the receiver allocates data credits to the logical channels. Therefore, Bloch fails to describe allocation of data credits by the transmitter. Also, Applicant has carefully reviewed Florin and Applicant respectfully submits that Florin fails to describe "allocating at the link transmitter the plurality of data credits to a plurality of logical channels."

Additionally Applicant agrees with the statement on page 19 of the Office Action "[H]owever, Bloch in view of Forin does not show that the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits."

In view of the foregoing, Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest the claim limitation of "allocating at the link transmitter the plurality of data credits to a plurality of logical channels" as required by independent claims 1 and 16, as amended. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1 and 16 under 35 USC 103(a). Applicant requests that claims 1 and 16 be now passed to allowance.

As to independent claim 9, Applicant respectfully submits that the combination of Bloch and Florin does not teach or suggest all the claim limitations as set forth in independent claim 9, as amended. Specifically, independent claim 9 recites "after the link transmitter allocates a plurality of data credits to a plurality of logical channels" which is not taught or suggested in the combination of Bloch and Florin for the reasons described above. Since the combination of Bloch and Florin fails to disclose Applicant's claimed invention as claimed in independent claim 9, Applicant respectfully requests withdrawal of the rejection of claims 9 under 35 USC 103(a). Applicant requests that claim 9 now be passed to allowance.

Dependent claims 2-3, 7-8, 14-15, 17-20 and 22-23 depend from, and include all the limitations of independent claims 1, 9 and 16. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-3, 7-8, 14-15, 17-20 and 22-23 for the reasons given above and requests withdrawal of the rejection.

Rejection of Claims 5-6, 12-13, and 20-21 under 35 U.S.C. § 103 (a) as being unpatentable over US 6,922,408 (Bloch) in view of US 6,594,701 (Florin) in further view of US 6,944,173 (Jones)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 5, 12, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Bloch in view of Forin and further in view of Jones.

The Office Action on page 19 states "[A]s to claims 5, 12 and 20, Bloch in view of Forin shows the link transmitter However, Bloch in view of Forin does not show that the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits. Jones shows the link transmitter selects to which of the plurality of logical channels to allocate the additional data credits (col. 2, lines 13-21)"

Jones describes "[A] unique virtual channel number is assigned for that particular virtual channel, and is included in the virtual channel credit packet." See Jones, col. 2, line 13-15. Furthermore, col. 2, line 10-13 of Jones describe "[In] accordance with this invention, the receiver first sends a virtual channel credit packet for a particular virtual channel to the transmitter...." Thus, contrary to the statement in the Office Action, in Jones a receiver assigns a virtual channel number and sends a virtual channel credit packet which includes the virtual channel number. Therefore, Jones fails to describe "selecting from the plurality of logical channels to allocate the additional data credits at the link transmitter" as recited by claims 5, 12, and 20.

Additionally, claims 5, 12, and 20 depend on independent claims 1, 9, and 16 which are deemed to be allowable for reasons described above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 5, 12, and 20 and requests withdrawal of the rejection.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any

questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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